

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CHARLES BURGIN,

Plaintiff,

v.

Case No.: 15-CV-0201S

BUFFALO BOARD OF EDUCATION; FORMER  
BUFFALO PUBLIC SCHOOLS SUPERINTENDENT  
PAMELA C. BROWN; ASSOCIATE  
SUPERINTENDENT BUFFALO PUBLIC SCHOOLS  
WILL KERESZIES; DIRECTOR OF SOCIAL  
STUDIES BUFFALO PUBLIC SCHOOLS CHARLES  
BRANDY; INTERIM SUPERINTENDENT  
BUFFALO PUBLIC SCHOOLS DONALD A.  
OGILVIE; BOARD OF EDUCATION MEMBER  
CARL PALADINO; BOARD OF EDUCATION  
MEMBER PATRICIA PIERCE; BOARD OF  
EDUCATION MEMBER LAWRENCE QUINN;  
BOARD OF EDUCATION MEMBER THERESA  
HARRIS-TIGG; BOARD OF EDUCATION  
MEMBER BARBARA SEALS-NEVERGOLD,

Defendants.

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**NOTICE OF MOTION**

Nature of Action:	Civil Rights and Tort.
Moving Party:	Defendants Pamela Brown, Will Kereszies, Charles Brandy, Donald A. Ogilvie, Carl Paladino, Patricia Pierce, Lawrence Quinn, Theresa Harris-Tigg, and Barbara Seals-Nevegold.
Directed To:	Plaintiff Charles Burgin
Date and Time:	To be set by the Court.
Place:	United States Courthouse, 2 Niagara Square, Buffalo, New York.
Supporting Papers:	Declaration of Kevin M. Kearney, dated August 26, 2015; Memorandum of Law in Support of Motion to Dismiss, dated March 30, 2015.

Answering Papers: Unless otherwise ordered by the Court, Plaintiff shall file and serve any responding papers within 14 days of the service of this motion. Defendant intends to serve reply papers.

Relief Requested: An Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing plaintiff's complaint together with costs and disbursements of the motion and such other and further relief as the Court deems just and proper.

Grounds for Relief: As set out in the accompanying memorandum of law. In addition, each of the individual defendants is entitled to dismissal on the basis of qualified immunity.

Oral Argument: Requested.

Dated: August 26, 2015

**HODGSON RUSS LLP**

*Attorneys for Defendants Pamela Brown,  
Will Kereszies, Charles Brandy, Donald A.  
Ogilvie, Carl Paladino, Patricia Pierce,  
Lawrence Quinn, Theresa Harris-Tigg, and  
Barbara Seals-Nevegold.*

By: s/ Kevin M. Kearney  
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